

# PETITION FOR ZONING VARIANCE 84-16-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rearward setback of ten (10) feet in lieu of the required thirty (30) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

This request is made because of a need for a family room and garage. Said garage and adjacent parking area will alleviate the current parking problem associated with the Ruxton Country School on Berwick Road.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

Christopher Randolph Burrow

(Type or Print Name)

Signature

Pamela Logan Burrow

(Type or Print Name)

Signature

Address

City and State

Phone No.

Name, address and phone number of representative to be contacted

Mr. John Etzel

Name

412 Delaware Ave

Towson, Md. 21204

Address

823-4470

Phone No.

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day

of May 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14th day of July 1983, at 9:30 o'clock A.M.

(over)

Mr. & Mrs. Christopher R. Burrow  
1405 Berwick Avenue  
Baltimore, Md. 21204

Mr. John Etzel  
412 Delaware Ave  
Towson, Md. 21204

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 10th day of May 1983

Signature  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Christopher Burrow, et ux

Petitioner's Attorney

Reviewed by Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 28, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. & Mrs. Christopher R. Burrow  
1405 Berwick Avenue  
Baltimore, Maryland 21204

RE: Item No. 228 - Case No. 84-16-A  
Petitioner - Christopher Burrow, et ux  
Variance Petition

Dear Mr. & Mrs. Burrow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. John Etzel  
412 Delaware Avenue  
Towson, Md. 21204

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond  
TO: Zoning Commissioner  
Norman E. Geber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition No. 84-16-A  
SUBJECT: Christopher R. Burrow, et ux

Date: July 1, 1983

There are no comprehensive planning factors requiring comment on this petition.

Signature  
Norman E. Geber, Director  
Office of Planning and Zoning

NEG:JGH:lc

cc: Arlene January  
Shirley Hess

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

June 2, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #228 (1982-1983)  
Property Owner: Christopher R. & Pamela L. Burrow  
S/S Berwick Ave, 189.50' W. Locust Ave.  
Acres: 115 X 125 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### Highways:

Berwick Avenue, an existing public road, is proposed to be further improved in the future, as a 30-foot closed section roadway on a minimum 40-foot right-of-way.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

### Water and Sanitary Sewer:

There is an 8-inch public water main and 8-inch public sanitary sewerage in Berwick Avenue.

Very truly yours,

Signature  
ROBERT A. VERON, P.E., Chief  
Bureau of Public Services

RAM:EM:FWR:iss

O-NE Key Sheet 37 & 38 NW 5 Pos. Sheet  
NW 10 B Topo 69 Tax Map

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

June 22, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 228, 230, 231, 232, and 233 -ZAC- Meeting of May 10, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 228, 230, 231, 232, and 233.

MSF/ccm

Signature  
Michael S. Flanigan  
Traffic Engineer Assoc. II



ORDER RECEIVED FOR FILING

DATE August 18, 1983  
BY Mary Catherine Clark  
Towson, Maryland 21204

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18<sup>th</sup> day of August, 1983, that the herein Petition for Variance(s) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for the expressed purpose of constructing an addition, in accordance with the site plan prepared by Gerhold, Cross & Etzel, revised July 22, 1983, is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. A temporary fence shall be erected to prevent any change of grade, storage of building material, compaction of soil by equipment being driven or stored, and/or build-up of construction debris or excavated dirt within the 10 foot setback area.
2. Water run-off for the proposed addition shall be directed away from the adjoining property.
3. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.

*Jan M.H. Jung*  
Deputy Zoning Commissioner of Baltimore County

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner  
TO: Office of Planning and Zoning Date: May 23, 1983  
FROM: Ian J. Forrest  
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item # 172 - F & M Enterprises, Inc.
- Item # 178 - Joseph L. Soley
- Item # 181 - Robert H. & Mildred J. McKenny
- Item # 190 - J. W. G. Company, Inc.
- Item # 191 - Fred L. Elrick, Sr.
- Item # 192 - Cohn Brothers
- Item # 198 - Galway, Incorporated
- Item # 199 - Clarence & Irene McNeal
- Item # 204 - Robert C. Baumgartner
- Item # 207 - F & S Partnership
- Item # 210 - Edwin J. & Joan W. Corvey
- Item # 211 - Middle River Realty Company, Inc.
- Item # 221 - Barry L. & Ruth Green
- Item # 225 - Hattie Kirsan
- Item # 228 - Christopher R. & Pamela L. Burrow
- Item # 230 - Richard L. & Alicia M. Hilbert
- Item # 231 - James R. & Mary H. O'Neare, Jr.
- Item # 232 - Venice K. Paterakis
- Item # 233 - Merritt Blvd. Limited Partnership
- Item # 234 - Huxton Crossing Joint Venture
- Item # 235 - Owen C. & Elsie M. Smith, Jr.
- Item # 237 - Joseph W. & Donna M. Stack
- Item # 238 - John W. & Maureen S. Diegel
- Item # 241 - Brandon B. & Ruth W. Whitlock, Jr.
- Item # 242 - Herbert L. & Patricia H. Grymes
- Item # 243 - Lawrence J. & Patricia A. Sadowski
- Item # 244 - Edwin B. & Sharyn A. Brager
- Item # 246 - Martin Plaza, Inc.
- Item # 248 - Martin H. Peaseley, Jr., et ux

*Ian J. Forrest*  
Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/ftb

BALTIMORE COUNTY  
DEPARTMENT OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
444-3905

TO: DIRECTOR  
Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

May 17, 1983

Dear Mr. Hammond

Comments on Item # 228 Zoning Advisory Committee Meeting May 10, 1983 are as follows:

Property Owner: Christopher R. & Pamela L. Burrow  
Location: S/S Berwick Avenue 189.50' W. Locust Avenue  
Existing Zoning: D.R. 3.5  
Proposed Zoning: Variance to permit a rear yard setback of 10' in lieu of the required 30'

Address: 115 x 125  
District: 9th

The items checked below are applicable:

All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 and other applicable Codes.

A building and other miscellaneous permits shall be required before beginning construction.

Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A fire wall is required if construction is on the lot line. See Table 102, Line 2, Section 1107 and Table 1102.

Requested variance conflicts with the Baltimore County Building Code, Section 4.

A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer, certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj  
JUN 01-83

# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: May 9, 1983

Z.A.C. Meeting of: May 10, 1983

RE: Item No: 227, 228, 229, 230, 231, 232, 233  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

NNP/bp

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JADON  
ZONING COMMISSIONER

August 18, 1983

Dr. and Mrs. Christopher Randolph Burrow  
1405 Berwick Road  
Huxton, Maryland 21204

RE: Petition for Variance  
S/S of Berwick Ave., 189.50'  
W of Locust Ave. - 9th Election  
District  
Christopher R. Burrow, et ux -  
Petitioners  
No. 84-16-A (Item No. 228)

Dear Dr. and Mrs. Burrow:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

*Jan M.H. Jung*  
JEAN M.H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Robert T. Gonzales, Esquire  
11 East Fayette Street  
Baltimore, Maryland 21202

John W. Hessian, III, Esquire  
People's Counsel

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2566  
494-4300

PAUL H. REYNOLDS  
CHIEF

September 14, 1983

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Christopher R. and Pamela L. Burrow

Location: S/S Berwick Avenue 189.50' W. Locust Avenue

Item No.: 228 Zoning Agenda: Meeting of May 10, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comment, at this time.

REVIEWER: *Paul H. Reynolds* Noted and Approved: *George M. Wagoner*  
Special Inspection Division Fire Prevention Bureau

JK/mh/cm

7/14/83  
94-16-A

CARL L. GERHOLD  
PHILIP A. JONES  
JOHN P. ETZEL  
WILLIAM M. HATCH  
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470

SHENTON  
PAUL A. DOLLENSBERG  
FRED H. DOLLENSBERG

April 18, 1983

## Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Berwick Avenue distant South 89 degrees West 189.50 feet measured along the south side of said Berwick Avenue from the west side of Locust Avenue and running thence and binding on the south side of Berwick Avenue, South 89 degrees West 125 feet, thence leaving said avenue and binding on the lot lines of the petitioners herein, the three following courses and distances viz: South 1 degree East 115 feet, North 89 degrees East 125 feet and North 1 degree West 115 feet to the place of beginning.

Being known as 1405 Berwick Avenue.

Being the property of the petitioners herein and shown on a plat filed with the Zoning Department of Baltimore County.



## PETITION FOR VARIANCE

9th Election District

ZONING: Petition for Variance  
LOCATION: South side of Berwick Avenue, 189.50 ft. West of Locust Avenue  
DATE & TIME: Thursday, July 14, 1983 at 9:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.

The Zoning Regulation to be excepted as follows:  
Section 1B02.3.C.1 - rear yard setback in D.R. 3.5 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of Christopher R. Burrow, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, July 14, 1983 at 9:30 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



# RUBELING & RIGGS ARCHITECTS

July 25, 1983

Mr. Robert T. Gonzales  
Attorney At Law  
11 East Fayette Street  
Baltimore, Maryland  
21202

Re: Dr. & Mrs. Christopher Burrow, et al  
Residence Addition  
1405 Berwick Rd.  
1405

Dear Mr. Gonzales:

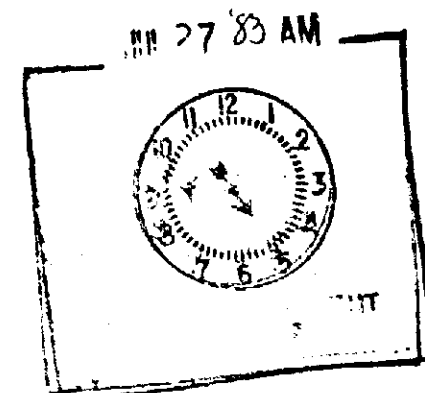
Please find attached one copy of the revised zoning plat for the above referenced project for your review and comment.

Should you have any questions, please call this office.

Very truly yours,

*Robert T. Gonzales*  
Robert T. Gonzales, Esq.  
President

cc: Mrs. Jean M. H. Jung  
Dr. Mrs. Burrow  
File



5 E. PENNSYLVANIA AVE. TOWSON, MARYLAND 21204 301/337-2886

STUART R. WILCOX  
ROBERT T. GONZALES  
ATTORNEYS AT LAW  
11 EAST FAYETTE STREET  
BALTIMORE, MARYLAND 21202

July 25, 1983

Ms. Jean Marie Jung,  
Deputy Commissioner  
Zoning Commission  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 8446-A  
No. 1405 Berwick Road

Dear Ms. Jung:

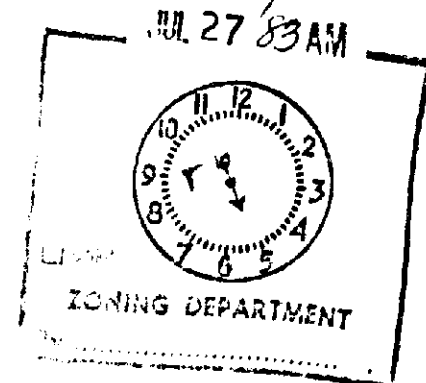
On July 14, 1983, my clients, Amy Macht and George Grose, and I attended a hearing in order to object to the granting of a setback variance on the property known as No. 1405 Berwick Road.

At that hearing you withheld a decision and gave the applicants, Dr. Burrow and his wife, five (5) days in order to submit their revised plans to me and my clients for their review. As of this date, we have not received any of the plans, and consequently I have advised my clients, who are in agreement with me, that we must continue to object to the granting of the variance.

As stated at the hearing, the reasons offered by the applicants do not in any way justify granting the variance as there results no practical difficulty or unreasonable hardship if the variance is not granted. I would hope that you would agree with me and not grant the variance requested.

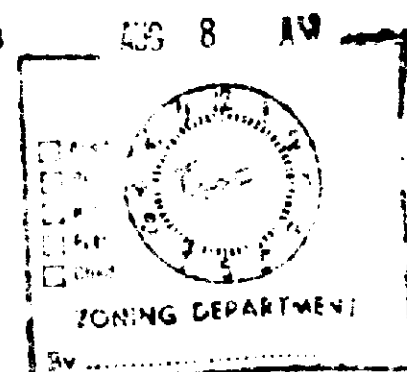
Very truly yours,  
*Robert T. Gonzales*  
Robert T. Gonzales

RTG:K  
Cc: Dr. and Mrs. C. R. Burrow



Christopher and Pamela Burrow, et al.  
1405 Berwick Road  
Ruxton, Maryland 21204

August 4, 1983



Ms. Jean Marie Jung,  
Deputy Commissioner  
Zoning Commission  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Jung:

I am pleased to inform you that in the three weeks since our zoning variance hearing, significant progress has been made towards settling the divisive bilateral issues which had unfortunately arisen in regard to this application.

Firstly, I am prepared to guarantee to Mr. Grose and Ms. Macht that the architect's renderings exhibited at the July 14th hearing accurately represent the planned appearance of our home addition. At this point, we are engaged only with interior modifications in the architectural process. The renderings shown have already been committed to final hard-line drawings by the firm of Rubeling and Riggs. Should unexpected modifications be imposed on these plans by the time that a builder has been contracted, I would be most willing to discuss the relevant changes with Ms. Macht or Mr. Grose.

If I interpret the gist of Mr. Gonzales' letter of August 3, 1983 correctly, the main concern that has prompted Mr. Grose and Ms. Macht to pursue their objection to the granting of this zoning variance is the safety of the tree(s) found adjacent to our common property line. As you know, it appears that the safety of this group of trees can be most effectively protected during the construction phase by strictly avoiding disturbances in the region of soil extending ten feet from this joint property line. Additionally, it seems to be mutually agreed that some feeding of the root system is desirable during the construction phase so as to ride the tree(s) through the time period of maximal risk. In the spirit of compromise struck by Mr. Gonzales' letter, I am prepared to do the following:

Jung (Page 2)  
8/4/83

1. To "avoid any change of grade, storage of building material, compaction of soil by equipment being driven or stored; or build-up of construction debris or excavated dirt in this 10-foot setback area" during all portions of the construction period. To this end, we agree to erect a temporary fence before construction to cordon off this area from all disturbance. In addition, these stipulations will be included in the builder's contract so that no possible misunderstanding can develop over our intentions in this matter.
2. At the appropriate time during or before the construction, it is our intention to feed the root system of the trees in question according to the recommendations made by Mr. Mays. I plan to take precautions to the extent of pruning the evergreen closest to the property line at this time for fear that this might itself have some bearing on the health of this tree. Once again, I plan to take Mr. Mays' advice regarding this matter.

I believe that the above assurances attest to my good faith in this matter. I have been assured that the risks to the trees with these precautions will be minimized by Mr. Mays, and Mr. Carroll apparently concurs. As I have no independent expertise in this area of botany, I am of course dependent on their opinions in this matter. Should damage to the trees nonetheless occur as a result of these construction activities, I intend to reach an amicable and equitable settlement with Mr. Grose and Ms. Macht.

I hope that this letter provides you with sufficient insight of my perspective and intentions. In the interest of brevity I have purposefully limited myself to responding to what I take to be the main objections of Mr. Grose and Ms. Macht to the granting of this zoning variance. If you feel that there are others areas that require a written statement to more fully represent my interests in this request for a zoning variance, please inform me thereof and I will endeavor to send you a prompt reply.

Sincerely yours,  
*Christopher R. Burrow, M.D.*  
Christopher R. Burrow, M.D.  
*Pamela L. Burrow*  
Pamela L. Burrow

CRB,PLB/ly  
cc: Robert T. Gonzales  
Ms. Amy Macht, Mr. George Grose  
Mr. Albert W. Rubeling, Jr., AIA

\*Quotation from Mr. Carroll's letter to Ms. Macht and Mr. Grose (July 25, 1983) submitted by Mr. Gonzales to Ms. Jung, August 3, 1983.



Mrs. Phyllis Burrow  
1405 Berwick Road  
Baltimore, MD  
21204  
583-5847

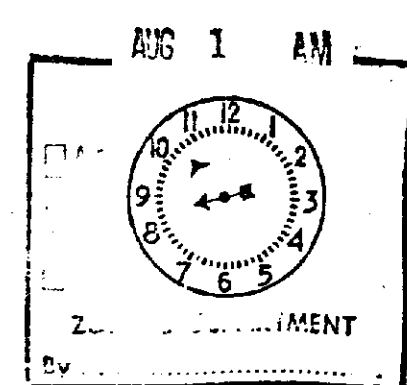
July 28, 1983  
CHRISTOPHER R. BURROW, et al  
8/4/83

Mrs. Burrow,

In reference to our discussion on the 16th of July, this is to inform you that the construction to be done around the White Pine in question, located near the border of your neighbors property, will in no way harm the trees' health, especially if the feeding and pruning suggested is done to compensate for minor root disturbance. If we can be of any more assistance, please do not hesitate to give us a call.

Sincerely,

*Steve Mays*  
Steve Mays, owner  
MAYS TREE EXPERTS



cc/ Robert T. Gonzales  
Mrs. Jean M. H. Jung

Members: International Society of Arboriculture / Maryland Arborists Association

STUART R. WILCOX  
ROBERT T. GONZALES  
ATTORNEYS AT LAW  
11 EAST FAYETTE STREET  
BALTIMORE, MARYLAND 21202

Dr. and Mrs. Christopher R. Burrow, et al  
1405 Berwick Road  
Baltimore, Maryland 21204

Dear Dr. and Mrs. Burrow:

My clients and I have received and reviewed the revised plans and Mr. Mays' letter dated July 28, 1983. As a result of this review, I have advised my clients that they should continue to protest any change in setback requirements unless certain conditions are agreed to.

First, and foremost, is the question of potential harm to the trees located on my clients' property. Your tree expert appears to have satisfied you that there is little or nothing to worry about. However, my clients have obtained from Mr. Henry J. Carroll an opinion which raises serious doubts in their minds. I am enclosing for your review a copy of Mr. Carroll's letter dated July 25, 1983. I believe that after you study Mr. Carroll's letter, you will share my clients' concerns, as you have indicated how important the trees are to you.

Consequently, any decision not to continue to protest your request for a change in setback would be contingent on your indemnifying my clients for any loss or damage suffered by them as a result of your construction. At the minimum, such an indemnity agreement must be binding for a period of five (5) years from the date construction is completed and should be in a form sufficient to have it recorded in the Land Records of Baltimore County. I would also require that it be a covenant binding the land and thereby binding any subsequent purchaser of your property for the five (5) year period.

Such an agreement would require that you be responsible for the removal of any damaged trees at prevailing costs and the replacement thereof with the largest specimen quality trees available. In addition, we would require that you be responsible for the necessary feeding and pruning set forth as necessary in Mr. Mays' letter of July 28, 1983.

During the hearing which occurred on July 14, 1983, you indicated that you would feel it necessary to incorporate in your contract with your builder certain protective measures. I would recommend that your contract incorporate the recommendations made by Mr. Carroll in the second paragraph of his letter, including, but not limited to, the erection of a temporary fence during construction.

Dr. & Mrs. Christopher R. Burrow  
(Cont'd.)

August 2, 1983

Finally, at the hearing we were shown a rendering, which indicated the various elevations of the construction as built and as representative of the addition in its final form. I would require that you be obligated to build the addition according to the plans submitted and as shown on said rendering. Further, my clients would have the right to approve any significant variation from said plans.

I believe that these requests are reasonable, and I am confident that this matter can be resolved amicably. Please contact me with any comments you may have.

Sincerely,  
*Robert T. Gonzales*  
Robert T. Gonzales

RTG:K  
Enc:  
Cc: Mr. Alfred W. Rubeling, Jr. AIA  
Ms. Jean Marie Jung  
Ms. Amy Macht  
Mr. George Grose

## AMERICAN SOCIETY OF CONSULTING ARBORISTS

HENRY J. CARROLL • 3911 VOLANDO ROAD  
Baltimore, Maryland 21218 • Phone (301) 235-4189

July 25, 1983

Ms. Amy Macht  
Mr. George Grose  
4412 LaBelle Avenue  
Baltimore, Maryland 21204

Dear Ms Macht & Mr. Grose:

The following information is in response to your questions concerning the effect of construction in an area of your neighbor's backyard that will come to within ten feet of your property line. I understand that of particular concern to you is the possible effect on certain trees on your property which border the common line between your property and the Burrow's property.

In my professional opinion, it is definitely probable that construction so close to this line could in fact damage and eventually kill these trees. The possible damage would be greatly minimized if the 10 foot setback is strictly enforced during the construction process. Any change of grade, storage of building material, compaction of soil by equipment being driven or stored; or build up of construction debris or excavated dirt in this 10 foot setback area would greatly increase the damage done. I would recommend that during construction a temporary fence is erected so that it is impossible for the contractor to do any of the above mentioned things while construction is underway.

Even with the above precautions, it is impossible to assure you that the trees will be safe. In the 5 years following completion of construction they will be adjusting to the change in the environment. It often takes trees of the sizes we are discussing several years to die. If any of the trees should have to be removed, the price I would currently have to charge you would be \$185.00 for each arbutus, and \$300.00 for the pine.

Additionally, it would currently cost you at least \$1250.00 each to replace the trees with the largest specimen quality trees that would reasonably be expected to survive transplantation into your yard. Of course, you would never be able to really replace the value of these trees which range from approximately 40 to 50 years old.

Very truly yours,  
*Henry J. Carroll*  
Henry J. Carroll

HJC/fir





July 1, 1983

Mr. & Mrs. Christopher R. Burrow  
1405 Berwick Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
S/S of Berwick Ave., 189.50' W of  
Locust Avenue  
Case No. 84-16-A

Dear Mr. & Mrs. Burrow:

This is to advise you that \$52.88 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119410

7/11/83 ACCOUNT R-01-615-000

AMOUNT **\$52.88**

RECEIVED FROM: Pamela Logan Burrow  
Advertising & Posting Case #84-16-

C 113\*\*\*\*\*528810 8125A

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th Date of Posting: June 27, 1983  
 Posted for: Varian  
 Petitioner: Christopher R. Burruss et ux  
 Location of property: S.E. of Brunswick Ave., 182' S.W. of Street Ave.  
 Location of Signs: S.E. of Brunswick Avenue, Approx 230' West of  
Street Avenue  
 Remarks: \_\_\_\_\_  
 Posted by: A. G. Roth Signature Date of return: June 28, 1983  
 Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_ June 23, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on~~ ~~one time~~ ~~on~~ ~~one time~~ before the 11th day of \_\_\_\_\_ July, 19 83, the ~~next~~ publication appearing on the 23rd day of \_\_\_\_\_ June, 19 83.

Cost of Advertisement, \$ 21.00

[illegible]

L. F. THE JEFFERSONIAN,  
 -----  
 Manager

Cost of Advertisement, \$ 21.00

Mr. & Mrs. Christopher R. Burrow  
1405 Berwick Avenue  
Towson, Maryland 21204

June 14, 1983

NOTICE OF HEARING

Re: Petition for Variance  
S/S of Berwick Ave., 189.50' W of  
Locust Avenue  
Christopher R. Burrow, et ux - Petitioners  
Case No. 83-16-A

TIME: 9:30 A.M.

DATE: Thursday, July 14, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

TOWSON, MARYLAND

cc: John Etsel  
412 Delaware Avenue  
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 117339

DATE 4/25/83 FILE NO. 01-615-ADD

3500

RECEIVED FROM: Christopher R. Bunnow  
FOR: Filipino for IV # 778

**6** 124 111 100 88 77 66 55 44 33 22 11 0

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/29 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 22nd day of June 1983.

THE TOWSON TIMES

Cost of Advertisement. \$ 26.88

## PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

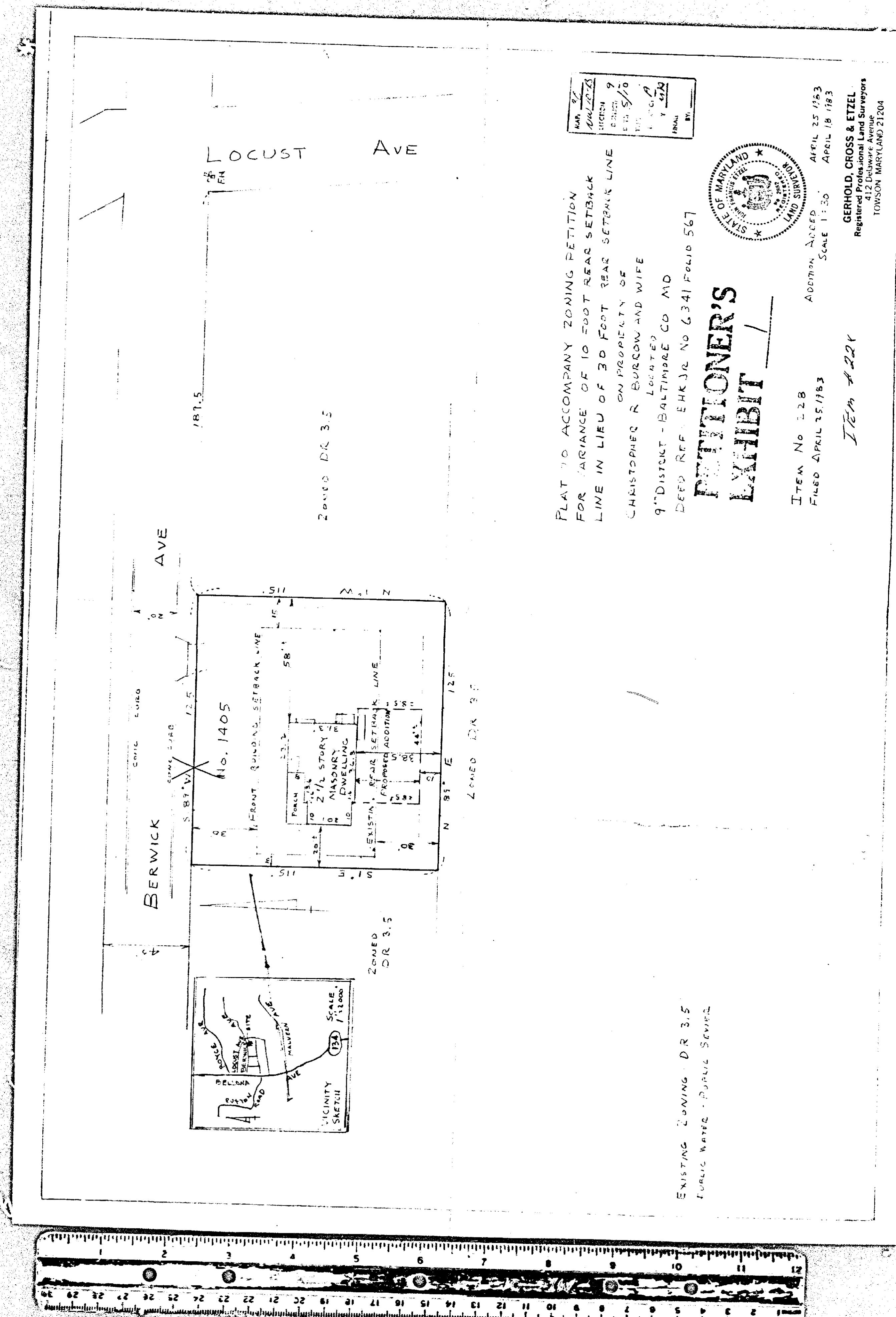
Reviewed by: WCR

Previous case: \_\_\_\_\_

Revised Plans:  
Change in outline or description \_\_\_\_\_ Yes  
\_\_\_\_\_ No

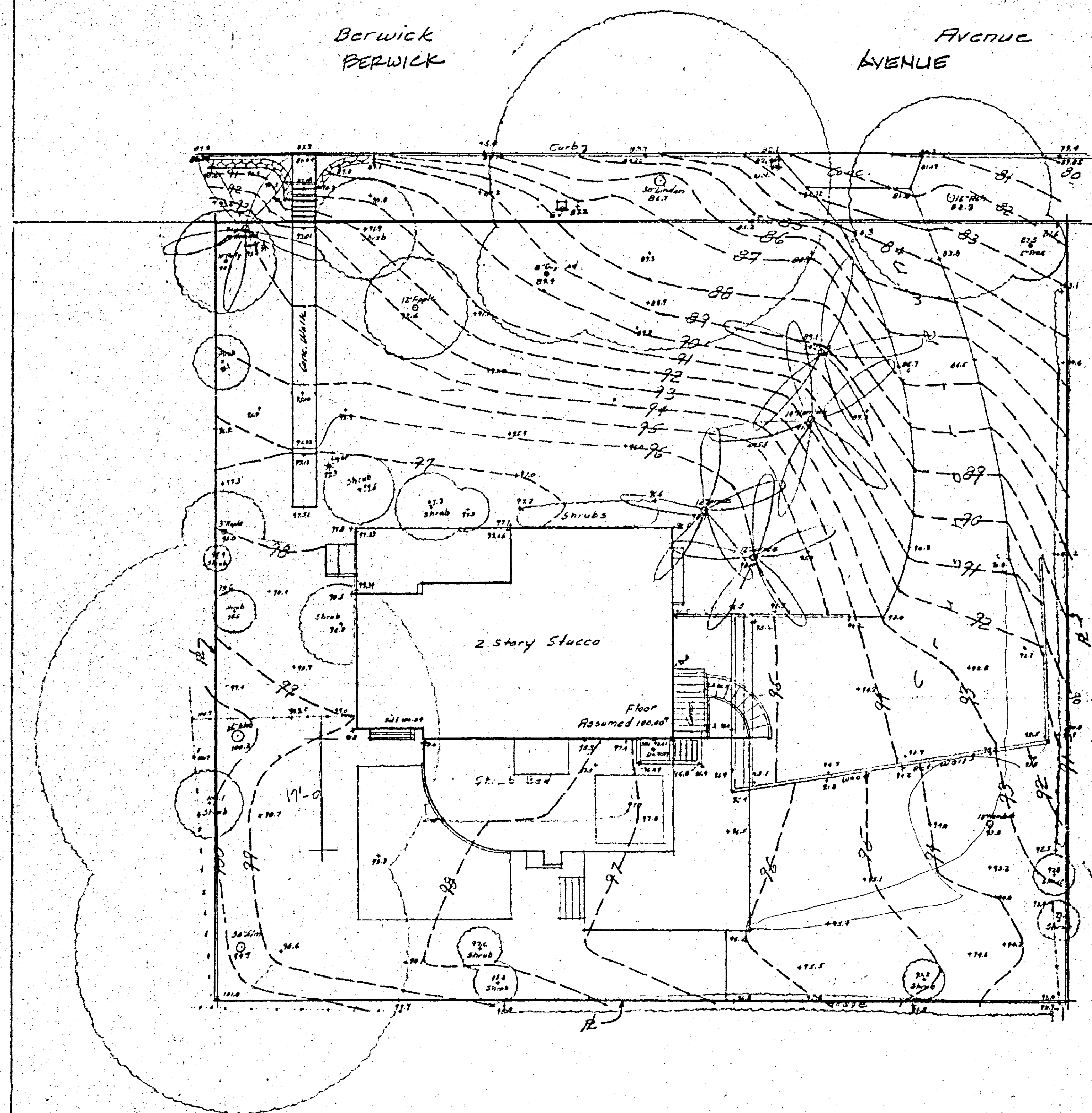
Map # 3C

Tyler #378





AVENUE  
AVENUE



1405 BERWICK AVENUE  
9th District - Baltimore Co. - Md.

*Scale 1"=10' 4-27-83*

**GERHOLD, CROSS & ETZEL**  
Registered Professional Land Surveyors  
412 Delaware Avenue  
TOWSON, MARYLAND 21204



PETITIONER'S  
EXHIBIT 2

**RUBELING & RIGGS**  
A R C H I T E C T S  
390 York Road  
Towson, Maryland 21204 301/337-2886

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